

**IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**JENNIFER MAITRE, Individually and
as Mother, Guardian and Next Friend of
CHRISTIAN FRANCIS MAITRE, a Minor,**

Plaintiff,

v.

ELI LILLY AND COMPANY,

Defendant.

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] **Civil Action No.: 1:05-cv-10442-JLT**
] **Next Event: Deadline for Filing**
] **Dispositive Motions - 3/6/06**
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**CONSENT MOTION TO SUPPLEMENT EXPERT DISCLOSURES, RE-OPEN
DISCOVERY, AND AMEND THE SCHEDULING ORDER**

COMES NOW the Plaintiff, by and through counsel, **with the consent of the Defendant**, and respectfully moves this Court to enter an Order allowing the parties to supplement their expert disclosures, re-open discovery, and to Amend the Scheduling Order, and as grounds therefor states:

1. This case concerns a personal injury/products liability claim in which Plaintiff Jennifer Maitre claims that she has suffered uterine and cervical malformations that resulted in the preterm birth of her son at 28 weeks gestation with resultant sequellae of prematurity.

2. Discovery closed in this matter on February 2, 2006 and the deadline for the filing of dispositive motions is March 6, 2006.

3. Plaintiff has recently received new information from pediatric neurologist, Yuval Shafrir, M.D., that MRI findings of the minor plaintiff are actually and in fact a brain injury sequella of prematurity.

4. Based on this recent development, the plaintiff respectfully requests that the Court allow her to supplement her expert disclosures by March 16, 2006, naming Dr. Shafrir as an expert pediatric neurologist, allow the defendant to supplement expert disclosures by April 14, 2006, and to re-open discovery until May 16, 2006, to accomplish the depositions of said experts.

6. The plaintiff would also request that the Court amend the current Scheduling Order entered August 10, 2005 (a copy of which is attached as Appendix No. 1), continuing the deadline for the filing of dispositive motions to June 15, 2006, and continue the Status Conference currently scheduled for April 4, 2006 to a date convenient to the Court after June 15, 2006.

7. A Proposed Amended Scheduling Order is attached hereto as Appendix No. 2.

8. No previous extensions have been requested in this matter.

8. Counsel for Defendant consents to the granting of this Motion.

Respectfully submitted,

/s/ Erica Tennyson
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Dated: March 1, 2006

Counsel for Plaintiff

L.R. 7.1(A)(2) CERTIFICATION

I have been informed that consent to the foregoing Motion to Supplement Expert Disclosures, Re-Open Discovery and Amend Scheduling Order was granted by counsel for Defendant Eli Lilly on February 27, 2006.

/s/ Erica Tennyson

Erica Tennyson

CERTIFICATE OF SERVICE

I, Erica Tennyson, hereby certify that this Motion to Supplement Expert Disclosures, Re-Open Discovery and Amend Scheduling Order, filed through the ECG system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on March 1, 2006.

/s/ Erica Tennyson

Erica Tennyson

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[PROPOSED] ORDER

UPON CONSIDERATION of the Plaintiff's Motion to Supplement Expert Disclosures,
Re-Open Discovery, and Amend Scheduling Order, and for good cause shown, it is this
_____ day of _____, 2006,

ORDERED that the Motion be and hereby is GRANTED;

AND IT IS FURTHER ORDERED, that the August 10, 2005 Scheduling Order be amended as follows:

1. Deadline for Plaintiff's Supplemental Expert Disclosure is March 16, 2006.
2. Defendant may depose Yuval Shafrir, M.D.
3. Deadline for Defendant's Supplemental Expert Disclosure is April 14, 2006.
4. Plaintiff may depose Defendant's supplemental expert(s).
5. All discovery shall be completed by May 16, 2006.
6. Dispositive motions shall be filed by June 15, 2006.

7. The April 4, 2006 Status Conference is continued to a date to be set by the Court after June 15, 2006 pursuant to the Court's schedule.

IT IS SO ORDERED.

JOSEPH L. TAURO
United States District Judge